

## SENATE BILL No. 82

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-7-4-207; IC 36-7-4-208.

**Synopsis:** St. Joseph County plan commission. Requires a member of the county executive body and a member of the county fiscal body of St. Joseph County to be appointed to the area plan commission.

**Effective:** July 1, 1999.

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January 6, 1999, read first time and referred to Committee on Governmental and Regulatory Affairs.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## SENATE BILL No. 82

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A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1       SECTION 1. IC 36-7-4-207 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 207. (a) ADVISORY.  
3       In a city having a park board and a city civil engineer, the city plan  
4       commission consists of nine (9) members, as follows:  
5               (1) One (1) member appointed by the city legislative body from  
6               its membership.  
7               (2) One (1) member appointed by the park board from its  
8               membership.  
9               (3) One (1) member or designated representative appointed by the  
10              city works board.  
11              (4) The city civil engineer or a qualified assistant appointed by the  
12              city civil engineer.  
13              (5) Five (5) citizen members, of whom no more than three (3)  
14              may be of the same political party, appointed by the city  
15              executive.  
16       (b) ADVISORY. If a city lacks either a park board, or a city civil  
17       engineer, or both, subsection (a) does not apply. In such a city, or in

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any town, the municipal plan commission consists of seven (7) members, as follows:

(1) The municipal legislative body shall appoint three (3) persons, who must be elected or appointed municipal officials or employees in the municipal government, as members.

(2) The municipal executive shall appoint four (4) citizen members, of whom no more than two (2) may be of the same political party.

(c) AREA. To provide equitable representation of rural and urban populations, representation on the area plan commission is determined as follows:

(1) Seven (7) representatives from each city having a population of more than one hundred five thousand (105,000).

(2) Six (6) representatives from each city having a population of not less than seventy thousand (70,000) nor more than one hundred five thousand (105,000).

(3) Five (5) representatives from each city having a population of not less than thirty-five thousand (35,000) but less than seventy thousand (70,000).

(4) Four (4) representatives from each city having a population of not less than twenty thousand (20,000) but less than thirty-five thousand (35,000).

(5) Three (3) representatives from each city having a population of not less than ten thousand (10,000) but less than twenty thousand (20,000).

(6) Two (2) representatives from each city having a population of less than ten thousand (10,000).

(7) One (1) representative from each town having a population of more than two thousand one hundred (2,100), and one (1) representative from each town having a population of two thousand one hundred (2,100) or less that had a representative before January 1, 1979.

(8) Such representatives from towns having a population of not more than two thousand one hundred (2,100) as are provided for in section 210 of this chapter.

(9) **Except as provided in subsection (d)**, six (6) county representatives if the total number of municipal representatives in the county is an odd number, or five (5) county representatives if the total number of municipal representatives is an even number.

**(d) AREA. In a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000), two (2) county representatives shall be appointed to the**

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1 **plan commission in addition to the county representatives**  
 2 **appointed under subsection (c)(9).**

3 ~~(d)~~ (e) METRO. The metropolitan development commission  
 4 consists of eleven (11) citizen members, as follows:

5 (1) Five (5) members, of whom no more than three (3) may be of  
 6 the same political party, appointed by the executive of the  
 7 consolidated city.

8 (2) Three (3) members, of whom no more than two (2) may be of  
 9 the same political party, appointed by the legislative body of the  
 10 consolidated city.

11 (3) Two (2) members, who must be of different political parties,  
 12 appointed by the board of commissioners of the county.

13 (4) One (1) member who represents the township legislative  
 14 bodies. The procedure for the township legislative bodies for  
 15 appointing the member shall be established by an ordinance  
 16 adopted by the legislative body of the consolidated city.

17 SECTION 2. IC 36-7-4-208 IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 208. (a) ADVISORY.

19 The county plan commission consists of nine (9) members, as follows:

20 (1) One (1) member appointed by the county executive from its  
 21 membership.

22 (2) One (1) member appointed by the county fiscal body from its  
 23 membership.

24 (3) The county surveyor or a qualified deputy surveyor appointed  
 25 by the surveyor.

26 (4) The county agricultural extension educator.

27 (5) Five (5) citizen members, of whom no more than three (3)  
 28 may be of the same political party and all five (5) of whom must  
 29 be residents of unincorporated areas of the county, appointed by  
 30 the county executive.

31 (b) ADVISORY. The metropolitan plan commission consists of nine  
 32 (9) members, as follows:

33 (1) One (1) member appointed by the county legislative body  
 34 from its membership.

35 (2) One (1) member appointed by the second class city legislative  
 36 body from its membership.

37 (3) Three (3) citizen members who are residents of  
 38 unincorporated areas of the county, of whom no more than two (2)  
 39 may be of the same political party, appointed by the county  
 40 legislative body. One (1) of these members must be actively  
 41 engaged in farming.

42 (4) Four (4) citizen members, of whom no more than two (2) may



be of the same political party, appointed by the second class city executive. One (1) of these members must be from the metropolitan school authority or community school corporation and a resident of that school district, and the other three (3) members must be residents of the second class city.

(c) AREA. When there are six (6) county representatives, they are:

(1) one (1) member appointed by the county executive from its membership;

(2) one (1) member appointed by the county fiscal body from its membership;

(3) the county superintendent of schools, or if that office does not exist, a representative appointed by the school corporation superintendents within the jurisdiction of the area plan commission;

(4) the county agricultural extension educator;

(5) one (1) citizen member who is a resident of the unincorporated area of the county, appointed by the county executive; and

(6) one (1) citizen member who is a resident of the unincorporated area of the county, appointed by the county fiscal body.

When there are five (5) county representatives, they are the representatives listed in subdivisions (3), (4), (5), and (6) of this subsection and the county surveyor.

**(d) AREA. In a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000), two (2) county representatives shall be appointed to the plan commission in addition to the county representatives appointed under subsection (c). The two (2) additional representatives are as follows:**

**(1) One (1) representative appointed by the county executive from its membership.**

**(2) One (1) representative appointed by the county fiscal body from its membership.**

~~(d)~~ (e) AREA. The appointing authority may appoint an alternate member to participate on a commission established under section 204 of this chapter in a hearing or decision if the regular member it has appointed is unavailable. An alternate member shall have all of the powers and duties of a regular member while participating on the commission.

